

U.S. Application No. 09/838,147

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REMARKS

The allowance of claim 35 and the objection to claim 19 is noted with appreciation.

The present invention is a method of transferring resource related information from a first mobile terminal to a second mobile terminal operating in a wireless communication network, a wireless communication terminal arranged to access to external network resource via a wireless communication network. A method of transferring resource related information from a first mobile terminal 1a to a second mobile terminal 1b operating in a wireless communication network 50 in accordance with an embodiment of the invention comprises the steps of connecting the first terminal to an external communication network 30 for accessing a resource 20; negotiating a communication connection between the first and second mobile terminals; and transferring the resource related information to the second mobile terminal over the communication connection.

Claims 1, 3-9, 16, 20, 21, 24, 25 and 29-34 stand rejected under 35 USC §103 as being unpatentable over WO 98/11744 (Kotola et al) in view of USP 6,161,143 (Tayama). These grounds of rejection are traversed for the following reasons.

Regarding claim 1, the Examiner reasons as follows:

"Regarding claim 1, Kotola discloses a method of transferring resource related information from a first terminal (i.e., reads on short message service center) to a second terminal (i.e., reads on mobile station) of a wireless communication network (page 10, lines 10-33), wherein at least the first terminal (short message service center) is a client of a server (i.e., WWW server), connecting the first mobile terminal to an external communication network for accessing a resource (i.e., outside the GSM network, e.g., Internet network) and also to a wireless communication network (i.e., GSM network)

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which includes the terminals (page 6, line 33 to page 7, line 11), comprising the steps of the first terminal (short message service center) negotiating a connection (i.e., reads on setting up signaling connection with the serving MSC) with the second terminal (mobile station) and subsequently transferring the resource related information (i.e., reads on MT short message) over the connection (page 7, line 34 to page 8, line 11) **(emphasis added)**."

Kotola et al teaches an architecture by which Mobile Stations MS communicate with a Short Message Service Center SC containing an Identifier indicating a desired WWW page. The identified WWW page is downloaded via the Internet and stored and sent back to the mobile station as a short message. See the Abstract. This eliminates the need in the prior art of utilizing a data transmission service or a browser program for worldwide web pages in mobile equipment. See page 2, lines 23-26 of Kotola et al. Moreover, the aforementioned connectivity whereby the request for information from a MS is translated to a Short Message which is transmitted to a message service center SC followed by access to the Internet to a particular WWW server from which the desired page may be found followed by transmission back to the SC followed finally by a short message being sent wirelessly to the MS is a totally different methodology.

The Examiner's construction of the first terminal being the short message service center SC results in a first terminal which does not have any users who request access to a resource and who transmit the resources to a second terminal as claimed. A person of ordinary skill in the art would not consider the service center SC to perform the claimed "selecting , by a user of the first terminal, information relating to the resource that said user wishes to send to the second mobile terminal". In fact, the only user is the user of the MS which can not be read upon claim 1 with the Examiner's construction of the SC being the first terminal.

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It is noted that the Examiner has not discussed where in Kotola et al the claimed "selecting by a user of the first mobile terminal, information related to the resource that said user wishes to send to the second mobile terminal" is found. It is noted that the Examiner has merely generally alluded to the accessing of a resource which the Examiner considers to be outside the GSM network. However, it is clear from claim 1 that the sequence of steps requires first the selection by a user of the first mobile network information relating to the resource that the user wishes to send to the second mobile terminal followed by the negotiation of a connection between the first and second mobile terminals followed by the transferring of the resource related information to the second mobile terminal over the communication network. There is no basis why a person of ordinary skill in the art would even consider the sequence of events as set forth in claim 1 involving connecting, selecting, negotiating and transferring steps to be a methodology which a person of ordinary skill in the art would even consider Kotola et al to have relevance thereto.

It is noted that the Examiner acknowledges that Kotola et al fails to explicitly disclose transferring information between two wireless or mobile terminals. The Examiner relies upon Tayama et al for this teaching. However, Tayama et al does not cure the deficiencies noted above with respect to Kotola et al as explicitly acknowledged by the Examiner and as further pointed out by the Applicants below.

The present invention as defined in claim 1 provides a mechanism by which a user terminal may share content with another mobile terminal without any request for the content from the receiving mobile terminal. Unlike the present invention which forwards requested content from a first terminal to a second terminal, Tayama et al

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pertains to a system where a terminal A(210) is unable to communicate with a base station 110 due to an obstacle 300, and therefore, is unable to download master data from a host computer through the base station 110. In this circumstance, another terminal B(220) is able to communicate with the base station 110 and Terminal A communicates with the terminal B to download the master data from the terminal B, if the terminal has the master data, and if the terminal B does not have the master data terminal A requests the terminal B to download the master data from the host computer and after the terminal B downloads the master data, terminal A downloads the master data from the terminal B. Alternatively, instead of requesting the terminal B to download the master data from the host computer, the terminal A now uses the terminal B as a relay to transfer the master data from the host terminal to terminal A. See column 3, lines 8-41.

The architecture of Tayama et al is the opposite of the present invention in that in Tayama et al a first terminal A requests content which it is unable to obtain directly from the content source by making a request to a second terminal B in communication with the content source. In other words, Tayama et al requires that the terminal which is to receive the requested content to make a request for the content which is the opposite of the architecture of the present invention wherein the user of the first terminal has requested content from an external source which first terminal and then transfers that content to a second terminal.

It is submitted that a person of ordinary skill in the art would not consider making the proposed combination as suggested by the Examiner regarding the subject matter of claim 1 except by impermissible hindsight.

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With respect to independent claims 21 and 25, the Examiner reasons as follows:

"Regarding claims 21 and 25, Kotola discloses a wireless communication terminal (i.e., sms service center) arranged to access an external network (i.e., Internet network) resources via a wireless communication network (GSM), the terminal comprising a controller (i.e., reads on control unit 40) arranged to receive (and send) an input of resource related information from another terminal (i.e., mobile station) (page 11, lines 8-25), wherein the controller is further arranged to negotiate a connection (i.e., setting up signaling link with serving MSC) with the other terminal and subsequently to receive the information over the connection (see Kotola, page 7, line 34 to page 8, line 11).

Kotola fails to explicitly disclose two wireless terminals.

In a similar field of endeavor, Tayama discloses transferring information between two wireless or mobile terminals (reads on downloading master data from terminal B to terminal A via radio connection)(col. 3, lines 20-38 and col. 4, lines 65-67) (**emphasis added**).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Kotola to include mobile to mobile transfer of data for the purpose of allowing a back up data storage and transfer unit in case the server is not available for direct communication with the first mobile (see Tayama, col. 2, lines 34-44)."

These grounds of rejection are traversed for the following reasons.

Claim 21 recites:

"A wireless communication terminal arranged to access an external network resource via a wireless communication network, the wireless terminal comprising a controller arranged to receive an input of resource related information from another wireless terminal, wherein the controller is further arranged to negotiate a connection with the other wireless terminal and subsequently to receive the information over the connection."

Claim 25 recites:

"A wireless communication terminal arranged to access an external network resource via a wireless communication network, the wireless terminal comprising a controller arranged to send resource related information to another wireless terminal, wherein the controller is further arranged to negotiate a connection with the other wireless

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terminal and subsequently to send the information over the connection."

Claims 21 and 25, respectively, recite a wireless terminal comprising a controller arranged to receive an input of resource related information from another wireless terminal and a wireless controller arranged to send recorded related information, wherein the controllers are further arranged to negotiate a connection with the other wireless terminal and subsequently receive or send the information over the connection. The difference in scope between claims 21 and 25 is that claim 21 recites the terminal as being arranged to receive and claim 25 recites the terminal as being arranged to send the resource related information. However, neither Kotola et al and Tayama et al teach a controller arranged to receive an input of resource related information from another wireless terminal wherein the controller is further arranged to negotiate a connection with the other wireless terminal and subsequently receive or send the information over the connection. The Examiner has construed the controller as reading on control unit 40 of Fig. 4, which is part of the SC10. The MS is not described in Kotola et al as sending any resource related information since all the MS does is request information by sending a short message containing an identifier indicating the desired WWW page to be fetched. Moreover, the Examiner's construction that the controller is further arranged to negotiate a connection, with another terminal has no counterpart in Kotola et al. While the Examiner theorizes that the MSC is involved in a negotiation with a connection between the terminals, the Examiner does not point to any disclosure in Kotola et al bearing out this assertion. Moreover, the methodology which the Examiner suggests

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does not involve anything more than the establishment of connectivity between the SC10 through the MSC to the MS which is not a suggestion of negotiation of a connection with an other wireless terminal as claimed.

If the Examiner persists in the stated grounds of rejection it is requested that he clarify in the record how he is interpreting the negotiation of a connection with the another wireless terminal to be read upon the connection between the MS and the SC since there is no description in Kotola et al of anything that a person of ordinary skill would consider to be negotiation between the MS and the SC10 which corresponds to the terminals as interpreted by the Examiner in Kotola et al. The Examiner's reliance upon the secondary reference of Tayama et al to suggest the use of two wireless terminals has been pointed out above is impermissible hindsight.

Dependent claims 3-9, 16, 20, 24 and 29-34 further define more specific aspects of the present invention which are not rendered obvious by independent claims 1 and 25.

Claims 2 and 10-12 stand rejected under 35 USC §103 as being unpatentable over Kotola et al and Tayama et al in view of USP 6,523,062 (Bridgman). These grounds of rejection are traversed for the following reasons.

Bridgman has been cited as teaching a second terminal which may be a work station or computer is also a client of a server connected to an external network. However, Bridgman does not cure the deficiencies noted above with respect to Kotola et al and Tayama et al.

Claims 17 and 18 stand rejected under 35 USC §103 as being

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unpatentable over Kotola et al and Tayama et al in view of the Examiner's reliance upon the description in applicants Specification of prior art discussed in the Background of the Invention. However, the fact that WAP and WML are well known does not cure the deficiencies above with respect to Kotola et al and Tayama et al.

Claims 14 and 15 stand rejected under 35 USC §103 as being unpatentable over Kotola et al, Tayama et al and Bridgman et al further in view of USP 6,584,321 (Coan et al). This ground of rejection is traversed for the following reasons.

Coan et al has been cited as disclosing terminals using the wireless application protocol in which a request is sent to the second terminal using a connectionless push command. However, this does not cure the deficiencies noted above with respect to Kotola et al, Tayama et al and Bridgman et al.

Claims 22-23 and 26-27 stand rejected under 35 USC §103 as being unpatentable over Kotola et al, Tayama et al in view of Coan et al. These grounds of rejection are traversed for the following reasons.

Coan et al has been cited as disclosing a controller operating in accordance with a wireless application protocol. However, Coan et al does not cure the deficiencies noted above with respect to Kotola et al and Tayama et al.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.


To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing

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of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 0171.40027X00).

Respectfully submitted,
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